

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cr-10131

United States of Americ

v.

Angelo Martignetti, Jr.,

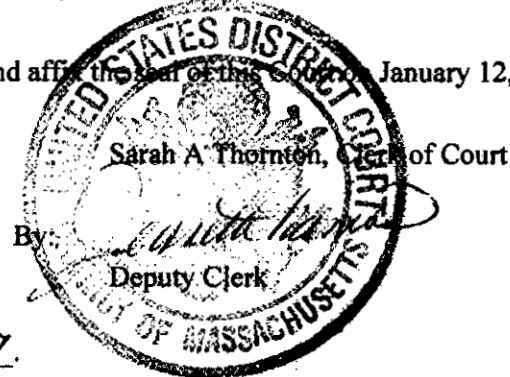
CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-4, 6-28

and contained in I Volume(s) are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 1/4/2007.

In testimony whereof, I hereunto set my hand and affix the seal of the Court, January 12, 2007.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 1/12/07.

D. Barchus
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, CLOSED, VICTIM

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10131-JLT-ALL
Internal Use Only**

Case title: USA v. Martignetti

Date Filed: 05/26/2005

Magistrate judge case number: 1:05-mj-00824-MBB

Assigned to: Judge Joseph L. Tauro

Defendant**Angelo Martignetti, Jr. (1)***TERMINATED: 12/13/2006*represented by **Michael Clifford**305 Main Street
Charlestown, MA 02129
617-241-7440*LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: Retained***Paul Markham**PO Box 1101
Melrose, MA 02176
781-665-1800
Fax: 781-665-4448
Email: PaulMarkham@comcast.net*TERMINATED: 06/16/2005**LEAD ATTORNEY**ATTORNEY TO BE NOTICED**Designation: CJA Appointment***Pending Counts**18:656 Embezzlement by a Bank
employee
(1-20)**Disposition**

The defendant is to be imprisoned for a total term of a year and a day. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2 PM on 01/02/2007. Upon release, the defendant shall be on supervised release for a term of 3 years. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall

cooperate in the collection of DNA as directed by the probation officer. The standard conditions of supervision shall apply. The defendant shall make restitution in the amount of \$263,678.69 according to a court-ordered repayment schedule. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding. The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the US Attorney's Office. The defendant is to participate in a program for substance abuse counseling as directed by the US Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. A special assessment fee of \$2000.00 is to be paid.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Highest Offense Level (Terminated)

None

Complaints

18:656.F

Plaintiff

Disposition

Disposition

USA

represented by **Allison D. Burroughs**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/05/2005	<u>1</u>	SEALED COMPLAINT as to Angelo Martignetti, Jr (1). (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/06/2005)
05/05/2005	<u>2</u>	AFFIDAVIT of James P. Hisgen by USA as to Angelo Martignetti, Jr (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/06/2005)
05/05/2005	<u>3</u>	MOTION to Seal Case as to Angelo Martignetti, Jr by USA. (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/06/2005)
05/05/2005		Judge Marianne B. Bowler : Electronic ORDER entered granting <u>3</u> Motion to Seal Case as to Angelo Martignetti Jr. (1) (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/06/2005)
05/05/2005		Warrant Issued by Marianne B. Bowler as to Angelo Martignetti, Jr. (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/06/2005)
05/06/2005	<u>4</u>	MOTION to Unseal Case as to Angelo Martignetti, Jr by USA. (Diskes, Sheila) Additional attachment(s) added on 5/9/2005 (Diskes, Sheila). [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/06/2005		Judge Marianne B. Bowler : Electronic ORDER entered granting <u>4</u> Motion to Unseal Case as to Angelo Martignetti Jr. (1) (Diskes, Sheila) [1:05-mj-00824-MBB] (Entered: 05/09/2005)

05/06/2005	<u>5</u>	Sealed CJA 23 Financial Affidavit by Angelo Martignetti, Jr. (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/06/2005	6	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial appearance for Angelo Martignetti, Jr. held on 5/6/2005; Allison Burroughs for the govt. and Paul Markham for the deft.; The deft. is informed of the charges, rights and right to counsel; The deft. completes a financial affidavit and the court orders the appointment of counsel; The deft. is sworn and questioned by the court; The govt. moves for detention and a continuance; The court orders that the deft. is drug tested today and continues the matter for a detention hearing and preliminary examination for 5/9/2005 at 10:30 AM; The deft. is remanded to the custody of the U.S. Marshals. (Tape #Digital.) (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/06/2005	<u>7</u>	Magistrate Judge Marianne B. Bowler: ORDER entered; CJA 20 for Angelo Martignetti, Jr: Appointment of Attorney Paul Markham for Angelo Martignetti, Jr. (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/09/2005	8	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Detention hearing and preliminary examination for Angelo Martignetti, Jr. held on 5/9/2005; Allison Burroughs for the govt. and Paul Markham for the deft.; Judy Oxford and September Brown for Pretrial Services; The govt. calls Special Agent James Hisgen to testify; The govt. offers three exhibits; The witness is crossed examined by defense counsel; Defense counsel calls Angelo Martignetti, Sr. to testify and the govt. cross examines the witness; Defense counsel calls Benjamin Martignetti and Christopher Martignetti to testify and the govt. cross examines both witnesses; The court notes that the parties stipulate to probable cause; The court takes a brief recess to allow defense counsel to confer with the deft. regarding whether or not the deft. will testify; the court resumes and defense counsel proffers for the deft. that the deft. should be released to his father; The govt. withdraws its motion for detention and moves to have the deft. released on conditions that have been recommended by Pretrial Services; The court releases the deft. on a \$10,000.00 unsecured bond and the deft. will be placed in an inpatient treatment program. (Tape #Digital.) (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/09/2005	<u>6</u>	EXHIBIT/WITNESS LIST (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/09/2005	<u>8</u>	Unsecured Bond entered for Angelo Martignetti, Jr. in the amount of \$10,000.00. (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)
05/09/2005	<u>9</u>	Magistrate Judge Marianne B. Bowler: ORDER entered; ORDER Setting Conditions of Release for Angelo Martignetti Jr. (1) (Saccoccio, Dianalynn) [1:05-mj-00824-MBB] (Entered: 05/09/2005)

05/26/2005	<u>10</u>	INDICTMENT as to Angelo Martignetti, Jr (1) count(s) 1-20. (Gawlik, Cathy) (Entered: 05/26/2005)
05/26/2005	<u>11</u>	Judge Joseph L. Tauro : ORDER entered. ORDER REFERRING CASE to Magistrate Judge Marianne B. Bowler Reason for referral: pretrial proceedings as to Angelo Martignetti, Jr (Gawlik, Cathy) (Entered: 05/26/2005)
06/01/2005		NOTICE OF HEARING for Angelo Martignetti, Jr.; Arraignment set for 6/7/2005 at 11:15 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. (Saccoccio, Dianalynn) (Entered: 06/01/2005)
06/07/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Arraignment for Angelo Martignetti Jr.(1) held on 6/7/2005; Allison Burroughs for the govt., Paul Markham for the deft. and Judy Oxford for Pretrial Services; The deft. waives the reading of the indictment and pleads not guilty to all counts; The govt. anticipates five to ten witnesses and the trial to last one week; The initial status conference is set for 7/19/2005 at 10:30 AM.(Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 06/08/2005)
06/07/2005	<u>13</u>	NOTICE OF ATTORNEY APPEARANCE: Michael Clifford appearing for Angelo Martignetti, Jr. (Saccoccio, Dianalynn) (Entered: 06/16/2005)
06/09/2005	<u>12</u>	MOTION to Withdraw as Attorney by Paul Markham. as to Angelo Martignetti, Jr. (Abaid, Kim) (Entered: 06/14/2005)
06/16/2005		Judge Marianne B. Bowler: Electronic ORDER entered granting <u>12</u> Motion to Withdraw as Attorney as to Angelo Martignetti Jr.(1). (Bowler, Marianne) (Entered: 06/16/2005)
06/16/2005		Attorney update in the case of Angelo Martignetti, Jr.; Attorney Paul Markham terminated. (Saccoccio, Dianalynn) (Entered: 06/16/2005)
07/12/2005		Set/Reset Hearings for Angelo Martignetti, Jr.: Initial status conference reset for 7/19/2005 at 2:30 PM in Courtroom 25 before Magistrate Judge Marianne B. Bowler; PLEASE NOTE: TIME CHANGE ONLY. (Saccoccio, Dianalynn) (Entered: 07/12/2005)
07/19/2005		Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Initial status conference for Angelo Martignetti, Jr. held on 7/19/2005; Allison Burroughs for the govt. and Michael Clifford for the deft.; The govt. informs the court that all discovery has been provided to counsel for the deft.; Counsel for the deft. requests a final status conference date; A final status conference is set for 9/14/2005 at 10:30 AM; The parties agree to exclude the time from today to 9/14/2005 and the govt. will file an assented to motion to exclude the time. (Tape #Digital.) (Saccoccio, Dianalynn) (Entered: 07/19/2005)
07/20/2005	<u>14</u>	Assented to MOTION to Exclude <i>Time (7/19/05 through 9/14/05)</i> as to Angelo Martignetti, Jr by USA. (Burroughs, Allison) (Entered: 07/20/2005)

07/21/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>14</u> Motion to Exclude as to Angelo Martignetti Jr.(1). (Bowler, Marianne) (Entered: 07/21/2005)
07/22/2005		***Excludable started for Angelo Martignetti, Jr: 7/19/2005-9/14/2005 (Saccoccio, Dianalynn) (Entered: 07/22/2005)
09/16/2005	● <u>15</u>	MOTION to Continue to September 19, 2005 as to Angelo Martignetti, Jr. (Abaid, Kim) (Entered: 09/19/2005)
09/19/2005	● <u>16</u>	NOTICE OF ATTORNEY APPEARANCE Mark J. Balthazard appearing for USA. (Balthazard, Mark) (Entered: 09/19/2005)
09/19/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Final status conference for Angelo Martignetti, Jr held on 9/19/2005; Mark Balthazard for the govt. and Michael Clifford, Jr. for the deft.; The parties address the court and request that the case is returned to the district judge to schedule a change of plea hearing; The court will issue a final status report and return the case forthwith. (Digital Recording #2:45 PM-3:00 PM.) (Saccoccio, Dianalynn) (Entered: 09/19/2005)
09/19/2005		***Excludable started for Angelo Martignetti, Jr.: 9/13/2005-9/19/2005 (Saccoccio, Dianalynn) (Entered: 09/19/2005)
09/19/2005	●	Judge Marianne B. Bowler: Electronic ORDER entered granting <u>15</u> Motion to Continue as to Angelo Martignetti Jr.(1). (Bowler, Marianne) (Entered: 09/19/2005)
09/20/2005	● <u>17</u>	Magistrate Judge Marianne B. Bowler: ORDER entered; REPORT AND ORDER on Final Status Conference for Angelo Martignetti, Jr. (Saccoccio, Dianalynn) (Entered: 09/20/2005)
09/20/2005	●	Judge update in the case of Angelo Martignetti, Jr.; Magistrate Judge Marianne B. Bowler no longer assigned to the case. (Saccoccio, Dianalynn) (Entered: 09/20/2005)
10/05/2005	● <u>18</u>	MOTION for Rule 11 Hearing as to Angelo Martignetti, Jr by USA. (Balthazard, Mark) (Entered: 10/05/2005)
11/07/2005	● <u>19</u>	Memorandum from pretrial services as to Angelo Martignetti, Jr. (Filo, Jennifer) (Entered: 11/08/2005)
11/08/2005	●	Electronic clerk's notes for proceedings held before Magistrate Judge Marianne B. Bowler: Bail review hearing for Angelo Martignetti, Jr. held on 11/8/2005; Mark Balthazard for the govt., Miriam Conrad on behalf of Michael Clifford for the deft. and Judy Oxford for Pretrial Services; The court amends the conditions of release per the request of Pretrial Services. (Digital Recording #11:15-11:30.) (Filo, Jennifer) (Entered: 11/08/2005)
11/08/2005	● <u>20</u>	Judge Marianne B. Bowler: ORDER entered; AMENDED ORDER Setting Conditions of Release as to Angelo Martignetti Jr. (1). (Filo, Jennifer) (Entered: 11/08/2005)

11/09/2005	●	NOTICE OF HEARING as to Angelo Martignetti, Jr Change of Plea Hearing set for 11/16/2005 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 11/09/2005)
11/09/2005	●	Judge Joseph L. Tauro : ElectronicORDER entered granting <u>18</u> Motion for Rule 11 Hearing as to Angelo Martignetti Jr. (1) (Lovett, Zita) (Entered: 11/09/2005)
11/15/2005	●	NOTICE by the COURT; the rule 11 hearing scheduled for November 16, 2005 is cancelled Angelo Martignetti, Jr. It is re-scheduled for: to be advised. (Lovett, Zita) (Entered: 11/15/2005)
01/23/2006	● <u>21</u>	Second MOTION for Rule 11 Hearing as to Angelo Martignetti, Jrby USA. (Balthazard, Mark) (Entered: 01/23/2006)
01/24/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>21</u> Motion for Rule 11 Hearing as to Angelo Martignetti Jr. (1) (Lovett, Zita) (Entered: 01/24/2006)
01/24/2006	●	Terminate Deadlines and Hearings as to Angelo Martignetti, Jr: (Lovett, Zita) (Entered: 01/24/2006)
01/24/2006	●	ELECTRONICNOTICE OF HEARING as to Angelo Martignetti, Jr Change of Plea Hearing set for 2/8/2006 11:15 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 01/24/2006)
01/27/2006	●	ELECTRONIC NOTICE: CHANGE IN TIME: the rule 11 hearing is now set for 10:45 a.m. on 2/8/2006 as to Angelo Martignetti, Jr. (Lovett, Zita) (Entered: 01/27/2006)
02/06/2006		***Set/Clear Flags as to Angelo Martignetti, Jr (Hurley, Virginia) (Entered: 02/06/2006)
02/08/2006	●	ElectronicClerk's Notes for proceedings held before Judge Joseph L. Tauro :Change of Plea Hearing as to Angelo Martignetti, Jr held on 2/8/2006, Plea entered by Angelo Martignetti Jr. (1) Guilty Count 1-20 Angelo Martignetti Jr. (1) Guilty of Lesser Offense Count 1-20 Angelo Martignetti Jr. (Court Reporter Carol Scottt.) (Lovett, Zita) (Entered: 02/08/2006)
02/08/2006	●	ELECTRONIC NOTICE OF HEARING as to Angelo Martignetti, JrSentencing set for 5/3/2006 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 02/08/2006)
02/08/2006	● <u>22</u>	PLEA AGREEMENT as to Angelo Martignetti, Jr (Abaid, Kim) (Entered: 02/09/2006)
02/21/2006	● <u>23</u>	MOTION for Forfeiture of Property as to Angelo Martignetti, Jrby USA. (Attachments: # <u>1</u> Text of Proposed Order)(Zacks, Jennifer) (Entered: 02/21/2006)
03/16/2006	●	Judge Joseph L. Tauro : Electronic ORDER entered granting <u>23</u> Motion for Forfeiture of Property as to Angelo Martignetti Jr. (1) (Abaid, Kim) (Entered: 03/20/2006)

03/16/2006	24	Judge Joseph L. Tauro : ORDER entered. FINAL ORDER OF FORFEITURE AND MONEY JUDGMENT as to Angelo Martignetti, Jr. (Abaid, Kim) (Entered: 03/20/2006)
05/02/2006		ELECTRONIC NOTICE OF RESCHEDULING as to Angelo Martignetti, Jr Sentencing set for 7/27/2006 10:00 AM in Courtroom 20 before Judge Joseph L. Tauro. (05/03/06 hearing is cancelled).(Lovett, Zita) (Entered: 05/02/2006)
07/19/2006		ELECTRONIC NOTICE CANCELLING DEADLINE as to Angelo Martignetti, Jr. Disposition cancelled: 7/27/2006. IT IS RE-SCHEDULED FOR JULY 26, 2006 AT 11:30 A.M. (Lovett, Zita) (Entered: 07/19/2006)
07/26/2006	25	MOTION for three-level acceptance of responsibility reduction as to Angelo Martignetti, Jr by USA. (Balthazard, Mark) (Entered: 07/26/2006)
08/15/2006		ELECTRONIC NOTICE OF HEARING as to Angelo Martignetti, Jr Sentencing set for 8/22/2006 10:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (NOTE CHANGE IN TIME).(Lovett, Zita) (Entered: 08/15/2006)
08/21/2006		ELECTRONIC NOTICE OF HEARING as to Angelo Martignetti, Jr Sentencing set for 9/6/2006 12:30 PM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 08/21/2006)
09/06/2006		NOTICE by the Court. Due to Attorney Clifford's failure to appear for the scheduled hearing, Judge Tauro ordered in open court that Attorney Clifford is to file a letter documenting his reason for non appearance and to submit a copy of such letter to the US Attorney of record. (Abaid, Kim) (Entered: 09/06/2006)
11/02/2006	26	Letter regarding Absence from court as to Angelo Martignetti, Jr (Abaid, Kim) (Entered: 11/02/2006)
11/27/2006		ELECTRONIC NOTICE OF HEARING as to Angelo Martignetti, Jr Sentencing set for 12/6/2006 10:30 AM in Courtroom 20 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 11/27/2006)
12/04/2006		ELECTRONIC NOTICE OF RESCHEDULING as to Angelo Martignetti, Jr Sentencing set for 12/7/2006 03:00 PM in Courtroom 20 before Judge Joseph L. Tauro. (THE HEARING SCHEDULED FOR DEC. 6, 2006 IS CANCELLED AT THE REQUEST OF DEFENDANT'S COUNSEL)(Lovett, Zita) (Entered: 12/04/2006)
12/07/2006		Judge Joseph L. Tauro : Electronic ORDER entered granting 25 Motion for three-level acceptance of responsibility reduction as to Angelo Martignetti Jr. (1) (Abaid, Kim) (Entered: 12/12/2006)
12/07/2006		Electronic Clerk's Notes for proceedings held before Judge Joseph L. Tauro : Sentencing held on 12/7/2006 for Angelo Martignetti, Jr. (1), Count(s) 1-20, The defendant is to be imprisoned for a total term of a year and a day. The defendant shall surrender for service of sentence at the institution designated

		by the Bureau of Prisons before 2 PM on 01/02/2007. Upon release, the defendant shall be on supervised release for a term of 3 years. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. The standard conditions of supervision shall apply. The defendant shall make restitution in the amount of \$263,678.69 according to a court-ordered repayment schedule. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding. The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the US Attorney's Office. The defendant is to participate in a program for substance abuse counseling as directed by the US Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. A special assessment fee of \$2000.00 is to be paid.. (Court Reporter Carol L. Scott.) (Abaid, Kim) (Entered: 12/14/2006)
12/13/2006	27	Judge Joseph L. Tauro : ORDER entered. JUDGMENT and STATEMENT OF REASONS as to Angelo Martignetti, Jr. (1), Count(s) 1-20, The defendant is to be imprisoned for a total term of a year and a day. The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2 PM on 01/02/2007. Upon release, the defendant shall be on supervised release for a term of 3 years. The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. The defendant shall cooperate in the collection of DNA as directed by the probation officer. The standard conditions of supervision shall apply. The defendant shall make restitution in the amount of \$263,678.69 according to a court-ordered repayment schedule. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the Probation Office while any financial obligations remain outstanding. The defendant is to provide the Probation Office access to any requested financial information, which may be shared with the Financial Litigation Unit of the US Attorney's Office. The defendant is to participate in a program for substance abuse counseling as directed by the US Probation Office, which program may include testing, not to exceed 104 drug tests per year, to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment. A special assessment fee of \$2000.00 is to be paid. (Attachments: # 1 Final Order of Forfeiture and Money Judgment) (Abaid, Kim) (Entered: 12/14/2006)
12/13/2006	●	Case Terminated as to Angelo Martignetti, Jr (Abaid, Kim) (Entered: 12/14/2006)

9 00:10

01/04/2007

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NOTICE OF APPEAL by USA as to Angelo Martignetti, Jr NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <http://www.ca1.uscourts.gov/clerks/transcript.htm> MUST be completed and submitted to the Court of Appeals. (Balthazard, Mark) (Entered: 01/04/2007)

9 00:10

9 00:10